

**REAL ESTATE APPRAISERS BOARD
MINUTES
May 9, 2012**

PRESENT: Marla Britton, Sharon Fiedler, Lawrence Nicholson, Henry Simon

ABSENT: Jose Perez

STAFF: Berni Mattsson, Bureau Director; Lydia Thompson, Legal Counsel; David Carlson, Bureau Assistant; other DSPS staff

GUESTS: Steve Lamenstein-Appraisal Institute, Mike Robertson-Appraiser, David Cherner-RELS Valuation, Mike Semmann-WI Bankers Association, Michael Procknow-City of Fitchburgh (WAAO), Mark Hanson-City of Madison (WAO), Jeffrey Hauser- WRA, Debbi Conrad-WRA, Sherryl Andrus-Appraiser, Frank Hopp-Appraiser.

CALL TO ORDER

Marla Britton, Chair, called the meeting to order at 9:35 a.m. A quorum of four (4) members was confirmed.

APPROVAL OF AGENDA

Amendments:

- Add Item E 9. and K9, 10 APP 065 (Stephen Fairbairn)
- Add item M1, Colleen Liftin (reinstatement of licensure)

MOTION: Nicholson moved, seconded by Simon, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF FEBRUARY 22, 2012

MOTION: Fiedler moved, seconded by Nicholson, to approve the minutes of February 22, 2012 with the following amendment:

- Larry Nicholson was elected Secretary

Motion carried unanimously.

REVIEW OF DISCRETIONARY DISCIPLINARY ACTION MATRIX

Larry Nicholson said the matrix is a good tool that he uses all the time. Britton said that board members should feel free to forward any suggested changes to the matrix to Berni or Lydia.

PRESENTATION OF PROPOSED STIPULATION(S)

Hank Simon asked for a presentation on item E5. Asked why the case was so old. DOE Attorney Sarah Norberg said it was because there was civil litigation in the case. Norberg also gave a brief presentation on the late add, Case 10 APP 065-Stephen Fairbairn

All proposed stipulations will be deliberated in closed session.

PUBLIC COMMENT

Britton said the Board welcomes input. The following individuals provided comment to the Board regarding AMC Regulation and Mandatory real estate appraiser licensing:

- Mike Semmann
- Jeff Hauser
- Michael Procknow
- David Cherner
- Mike Robertson
- Sherryl Andrus

PRACTICE QUESTIONS/ISSUES

Lydia discussed a practice question she received.

Website –David reviewed site organization and content for the Real Estate Appraiser Board and Profession pages.

LEGISLATION AND ADMINISTRATIVE RULES

Review of WRA report comparing and contrasting WI Realtors Association Appraisal Management Company legislation proposal and Appraisal Management Company Registration and Regulation Model Act. Sherryl Andrus provided comments. Debbi Conrad and Jeff Hauser from WRA responded to Andrus comments and reviewed the proposal.

Report by Lydia Thompson, re: Board question on whether fees can be charged for CE approval. Lydia reported that there is authority to charge such fees.

Update on modifications Wisconsin will need to make in rules in response to changes in the Real Property Appraisers Qualifications Criteria adopted by the Appraisers Qualifications Board of the Appraisal Foundation.

Britton reviewed changes.

Discussion of public comments received on Mandatory Licensure and the Appraisal Management Company regulation.

NEW BUSINESS

There was no new business

INFORMATIONAL ITEMS

There were no informational items

PUBLIC COMMENTS

There were no public comments.

CONVENE TO CLOSED SESSION

MOTION: Simon moved, seconded by Fiedler, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; to consider licensure or discipline (s. 19.85(1)(b), Stats.; to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats. Motion carried by roll call vote: Marla Britton-yes, Sharon Fiedler-yes; Lawrence Nicholson-yes; Henry Simon - yes.

Open Session recessed at 1:20 p.m.

RECONVENE TO OPEN SESSION

MOTION: Simon moved, seconded by Nicholson, to reconvene into Open Session. Motion carried unanimously.

Open session reconvened at 4:07 p.m.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON
IN CLOSED SESSION**

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

**JAMES MONETTE
10 APP 046 and 11 APP 042**

MOTION: Nicholson moved, seconded by Simon to adopt the Stipulation, Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against James Monette. Motion carried unanimously.

**STEVEN PALMER
10 APP 070**

MOTION: Nicholson moved, seconded by Fiedler to adopt the Stipulation, Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Steven Palmer. Motion carried unanimously.

**GRETТА HAUN
11 APP 004**

MOTION: Fiedler moved, seconded by Simon to adopt the Stipulation, Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Gretta Haun. Motion carried unanimously.

**DENNIS LURA
11 APP 031**

MOTION: Fiedler moved, seconded by Nicholson to adopt the Stipulation, Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Dennis Lura. Motion carried unanimously.

LARRY KILGORE
10 APP 020, 10 APP 053, and 11 APP 017

MOTION: Simon moved, seconded by Fiedler to adopt the Stipulation, Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Larry Kilgore. Motion carried unanimously.

JOSEPH MICHALOWITZ
10 APP 068

MOTION: Nicholson moved, seconded by Simon to adopt the Stipulation, Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Joseph Michalowicz. Motion carried unanimously.

APRIL KONCZAL
11 APP 039

MOTION: Nicholson moved, seconded by Fiedler to adopt the Stipulation, Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against April Konczal. Motion carried unanimously.

MICHAEL WALSH
12 APP 026

MOTION: Simon moved, seconded by Fiedler to adopt the Stipulation, Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Michael Walsh. Motion carried unanimously.

STEPHEN FAIRBAIRN
10 APP 065

MOTION: Nicholson moved, seconded by Simon to adopt the Stipulation, Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Stephen Fairbairn. Motion carried unanimously.

CASE CLOSINGS

11 APP 009

MOTION: Nicholson moved, seconded by Simon, to close case **11 APP 009** pursuant to prosecutorial discretion (P3). Motion carried. Marla Britton recused herself from closed session deliberation in this matter and abstained from voting.

12 APP 010

MOTION: Nicholson moved, seconded by Simon, to close case **12 APP 010** for no violation Motion carried unanimously.

12 APP 025

MOTION: Simon moved, seconded by Nicholson, to close case **12 APP 025** for no violation. Motion carried unanimously.

11 APP 022

MOTION: Nicholson moved, seconded by Fiedler, to close case **11 APP 022** pursuant to prosecutorial discretion (P3). Motion carried unanimously.

MOTION: Simon moved, seconded by Fiedler, to table the following cases until the August 22, 2012 meeting.

12 APP 011

12 APP 012

12 APP 013

12 APP 014

12 APP 016

12 APP 017

12 APP 027

12 APP 029

12 APP 020

Motion carried unanimously.

MONITORING

COLLEEN LITFIN

(Reinstatement of licensure)

MOTION: Nicholson moved, seconded by Fiedler to grant the request for reinstatement pending receipt of the application and fee if she has met all requirements for licensure on the date of application.

Motion carried unanimously.

ADMINISTRATIVE WARNINGS

12 APP 018

MOTION: Fiedler moved, seconded by Simon to issue an Administrative Warning, as recommended by the Department, in Case 12 APP 018 Motion carried.

12 APP 019

MOTION: Nicholson moved, seconded by Fiedler to issue an Administrative Warning, as recommended by the Department, in Case 12 APP 019 Motion carried.

12 APP 023

MOTION: Fiedler moved, seconded by Nicholson to issue an Administrative Warning, as recommended by the Department, in Case 12 APP 023. Motion carried.

12 APP 024

MOTION: Simon moved, seconded by Nicholson to issue an Administrative Warning, as recommended by the Department, in Case 12 APP 024. Motion carried.

12 APP 028

MOTION: Fiedler moved, seconded by Nicholson to issue an Administrative Warning, as recommended by the Department, in Case 12 APP 028. Motion carried.

12 APP 030

MOTION: Fiedler moved, seconded by Simon to issue an Administrative Warning, as recommended by the Department, in Case 12 APP 030. Motion carried. Lawrence Nicholson Abstained.

12 APP 031

MOTION: Nicholson moved, seconded by Fiedler to issue an Administrative Warning, as recommended by the Department, in Case 12 APP 031. Motion carried.

OTHER BOARD ACTION

Hank Simon asked if the board might be able to reorder its business to take care of all votes (including closed session items) happen before discussion items are taken care of.

ADJOURNMENT

MOTION: Simon moved, seconded by Fiedler, to adjourn the meeting at 4:42 p.m. Motion carried unanimously.